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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/207,871 12/08/98 HYMER

J 95-956CIP

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MM91/0918

EXAMINER
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HORDEN, D

ART UNIT	PAPER NUMBER
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2875

DATE MAILED:

09/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/207,871

Applicant(s)

HYMER, JEFF L.

Examiner

David V. Hobden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover (1,300,893).

Stover teaches a device for a first relatively tall commercial vehicle for signaling a plurality of other vehicles of much lesser height following there behind having:

a body having a base **10**, and a cover **20** joined to the base,

means for attaching **80** the base to the first vehicle, the body being mountable adjacent to the top of the first vehicle and adjacent to a side (the left side) of the vehicle with the cover facing rearwardly, and

a plurality of translucent lenses **22,23** in the cover and a plurality of illumination means **35-38** for illuminating each of the lenses selectably to signal to the plurality of following vehicles, the first vehicle having the body mounted adjacent the top thereof at an elevation sufficient for viewing by a plurality of following vehicles arrayed serially behind the first vehicle.

Stover lacks the claimed second body.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second body on the vehicle of Stover, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8).

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover in view of Groeller (5,877,682).

Stover, applied to the rejection of claim 3 above, lacks a plurality of light emitting diodes to illuminate a lens as claimed in the instant invention.

Groeller discloses an automotive signaling device having a plurality of translucent lenses **9,10** in a cover **2** and a plurality of illumination means **211,230** for illuminating each of the lenses selectably (see column 3, line 63 through column 4, line 5),

the plurality of illumination means each having a plurality of light emitting diodes set in an array to illuminate at least one lens (see column 3, line 63 through column 4, line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the automotive signaling device of Stover with the automotive signaling device of Groeller since Groeller teaches that light emitting diode arrays are beneficial for reducing power consumption and increasing bulb life of automotive signaling devices (see column 1, lines 35-42).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover in view of Groeller, and further in view of Roney *et al.* (5,632,551).

Stover, as modified by Groeller, applied to the rejection of claim 4 above, lacks the claimed limitation including a circuit board upon which the plurality of light emitting diodes is mounted.

Roney *et al.* discloses an automotive signaling device having a circuit board **20** positioned between a cover **16** and a base **10**, further including a plurality of light emitting diodes **12** mounted to the circuit board **20** (see column 2, lines 52-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the automotive signaling device of Stover, as modified by Groeller, with the circuit board mount of Roney *et al.* because Roney *et al.* teaches that light emitting diodes can be mounted to a circuit board in order to help reduce the junction temperature (see column 1, lines 24-58).

#### ***Response to Arguments***

4. Applicant's arguments filed on 04 January 2001 have been fully considered but they are not persuasive.

The additional limitation amended to claim 1 that the device is for a first relatively tall commercial vehicle for signaling to a plurality of other vehicles of much lesser height following there behind. Then further defining, in lines 8-10, ... the first vehicle having the two bodies mounted near the top thereof at an elevation sufficient for viewing by a plurality of following vehicles arrayed serially behind the first vehicle.

The examiner contends that it would be obvious to one of ordinary skill in the art, at the time the invention was made (i.e. high mounted brake lights/turn signals), to place Stover's invention at an elevation high enough to be seen by any following vehicles

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regardless of height (i.e. not a vehicle immediately following the first vehicle) to give the following vehicles more time to respond to the signals of the first vehicle.

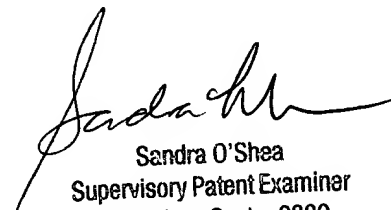
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David V. Hobden whose telephone number is 703-305-4469. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-8303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0956.

DVH  
September 14, 2001

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800